

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Michael Kay,

Petitioner

V.

Christopher Chestnut,

## Respondents

Case No.: 2:23-cv-00896-APG-EJY

## **Order Instructing Petitioner to File an IFP Application or Pay Filing Fee**

[ECF No. 1]

8 Petitioner Michael Kay, a *pro se* pretrial detainee, has not properly commenced this  
9 habeas action by either paying the standard \$5.00 filing fee or filing a complete application for  
10 leave to proceed *in forma pauperis* (IFP). He submitted a Petition for Writ of Habeas Corpus  
11 (ECF No. 1-1) under 28 U.S.C. § 2241, but he did not pay the \$5 filing fee or submit a complete  
12 IFP application.

13 Pursuant to 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5.00  
14 filing fee is required to initiate a habeas action in a federal district court. The court may  
15 authorize an indigent prisoner to begin a habeas action without paying the \$5 fee if he or she  
16 submits an IFP application on the approved form and includes three specific documents: (a) the  
17 prisoner's financial declaration and acknowledgement showing an inability to prepay fees and  
18 costs, (b) a financial certificate signed by the prisoner and an authorized prison official, and (c) a  
19 copy of the prisoner's account statement for the six-month period prior to filing. 28 U.S.C.  
20 § 1915(a); LSR 1-1, LSR 1-2.

21 Petitioner will have 45 days from the date of this order to either pay the \$5 filing fee or  
22 submit a complete IFP application with all required documentation.

1 I THEREFORE ORDER:

2 1. The initial screening of Petitioner's Petition for Writ of Habeas Corpus (ECF No. 1-1)  
3 under the Rules Governing Section 2254 Cases is deferred to until such time as he has  
4 fully complied with this order.

5 2. The Clerk of Court is instructed to send Petitioner a blank form IFP application by an  
6 inmate with *two* copies of this order.

7 3. **Within 45 days of entry of this order**, Petitioner must file an IFP application that  
8 includes a: (a) financial certificate signed by Petitioner and an authorized prison  
9 official, (b) financial declaration and acknowledgement signed by Petitioner, and (c)  
10 copy of Petitioner's inmate account statement for the six-month period prior to filing.  
11 Alternatively, Petitioner must pay the \$5 filing fee within 45 days of entry of this  
12 order. If Petitioner decides to pay the filing fee from his inmate account, he must  
13 arrange to have a copy of this order attached to the check for the filing fee.

14 4. Petitioner's failure to comply with this order by (a) submitting an IFP application, or  
15 (b) paying the filing fee before the deadline will result in the dismissal of this action  
16 without prejudice and without further advance notice.

17 DATED this 7th day of July, 2023.

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20 ANDREW P. GORDON  
21 UNITED STATES DISTRICT JUDGE  
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